## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION Case No. 5:22-CV-00173-M

HERMAN WILKINS,	)	
Plaintiff,	)	
v.	)	ORDER
TRANSDEV SERVICES, INC.,	)	
Defendant.	)	

This matter comes before the court on the Defendant's Motion to Enforce Settlement Agreement. DE 15. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation ("M&R"), recommending that the court grant Defendant's motion and close this case. DE 17. To date, no objections have been filed.<sup>1</sup>

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial* 

<sup>&</sup>lt;sup>1</sup> Judge Swank issued the M&R on January 5, 2023. Objections were due to be filed on or before January 23, 2023. *See* DE 17. The motion and M&R were submitted to this court for disposition on January 26, 2023.

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant's motion [DE 15] is GRANTED and this action is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this case.

SO ORDERED this 27Th day of January, 2023.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE